



Know Your Rights: California Identity Theft Victims' Rights

Identity theft is taking someone's personal information and using it for an unlawful purpose, such as opening credit accounts or making charges on the victim's account.¹

If you are a victim of identity theft you have rights that can help you clear up your records and avoid paying debts you did not create.

- **You have the right** to file a police report of identity theft with your local police department or sheriff's office, even if the crime was committed elsewhere.² A police report of identity theft is the key to getting the benefit of the other rights listed below.
- **You have the right** to get copies of documents relating to fraudulent transactions or accounts created using your personal information.³
- **You have the right** to have information resulting from identity theft removed (blocked) from your credit reporting agency files.⁴
- **You have the right** to receive up to 12 free credit reports, one per month, in the 12 months from the date of the police report.⁵
- **You have the right** to "freeze" your credit files for free.⁶ See our *Consumer Information Sheet 10: How to "Freeze" Your Credit Files* for more information.
- **You have the right** to stop debt collection actions related to a debt resulting from identity theft. Before resuming collection, the collector must make a good faith determination that the evidence does not establish that the consumer is not responsible for the debt.⁷
- **You have the right** to bring an action or assert a defense against anyone claiming a right to money or property in connection with a transaction resulting from identity theft.⁸



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If you are a victim of criminal identity theft, which occurs when an identity thief creates a false criminal record in your name, you have additional rights.

- **You have the right** to an expedited proceeding in Superior Court for getting a judge's order finding that you are factually innocent. The judge may order the deletion, sealing, or labeling of records.⁹
- **You have the right** to be listed in the California Department of Justice's Identity Theft Victim Registry. This gives victims of criminal identity theft a mechanism for confirming their innocence.¹⁰

For more information on identity theft, including a Victim Checklist, go to www.privacy.ca.gov or call 1-866-785-9663.

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¹ California Penal Code Section 530.5.

² California Penal Code Section 530.6.

³ California Penal Code Section 530.8; Fair Credit Reporting Act Section 609(e) [15 United States Code § 1681g].

⁴ California Civil Code Sections 1785.16(k), 1785.16.1, 1785.16.3, 1785.203(b); Fair Credit Reporting Act Section 605B [15 United States Code § 1681c-2].

⁵ California Civil Code Section 1785.15.3(b).

⁶ California Civil Code Section 1798.11.2.

⁷ California Civil Code Section 1788.18.

⁸ California Civil Code Section 1798.93.

⁹ California Penal Code Section 530.6.

¹⁰ California Penal Code Sections 530.6-530.7.